



Should Missouri Increase its Tobacco Tax?

At the Nov. 6 general election Missouri voters will consider Proposition B, which proposes to raise the current tobacco tax and dedicate the funds to smoking prevention and cessation programs, higher education, and public schools. The Missouri Catholic Conference has no position on Proposition B, but provides the articles below for informational purposes.

By Misty Snodgrass

YES



Proposition B will be on the ballot this November and will help address Missouri's health, smoking and school funding problems through a .73 cent tax increase on tobacco products to generate an additional \$283 million annually in new revenue.

Twenty percent of the revenue would fund much-needed prevention and cessation programs for smokers who want to quit and to keep kids from starting to smoke.

Fifty percent would go into Missouri's elementary and secondary education classrooms to prevent staff reductions and increased classroom sizes.

Thirty percent of the revenue would go to Missouri's colleges and universities to support educational opportunities for tomorrow's workforce and future caregivers.

Proposition B has been written to guarantee no funding directly or indirectly will go toward stem cell, abortion or other research purposes and is supported by a powerful coalition of the state's top state and health organizations, led by the American Cancer Society.

All Missourians pay the costs associated with tobacco: Medicaid costs associated with tobacco-related disease cost taxpayers \$532 million annually, yet tobacco tax receipts generate only \$95 million annually. Each Missouri household pays \$565 annually to cover tobacco-related government expenditures. New resources for tobacco cessation programs will result in fewer smokers and help reduce the burden on Missouri employers who deal with lost productivity and medical costs due to tobacco use.

Strict safeguards are included in Proposition B to make sure revenue will be spent as voters direct. Additionally, the coalition behind this initiative will be a constant presence in Jefferson City to remind legislators of the voters' intent and ensure accountability for its implementation.

Proposition B is a reasonable proposed increase to Missouri's tobacco tax, which has not been increased in more than a decade. With passage of Prop B Missouri's tax would still be within the bottom half of state tobacco taxes and lower than half of our neighboring states.

Further, Proposition B provides much needed support for Missouri schools. In 2010, eight of 10 school districts in Mis-

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By Ronald J. Leone

NO



Proposition B's outrageous and unfair 760 percent tax increase, the largest tax increase in Missouri's history, is not about education or health care. It's about greedy special interest groups, responsible tax policies, the proper size and scope of government and politicians wasting even more of your tax dollars.

Misleading Statistics. Tobacco and health care statistics are irrelevant to the Prop B debate since not one single dime of Prop B is required to be spent on treating tobacco related diseases. Shouldn't a "sin tax" be used to cure the "sin"?

Education Money Will Be Diverted - Again. The state's budget is a shell game and there is no "lock box" guarantee that Prop B will actually increase education funding. Remember the broken funding promises that came with the lottery and casinos? Don't be fooled again.

Everyone Will Pay The \$67+ Million Tab. Prop B increases government spending by hundreds of millions of dollars per year, could be used to expand welfare and fund "ObamaCare", and a leading economist predicts a decrease in tobacco sales alone will decrease state and local sales and other tax revenues by at least \$67 million per year. The middle class will pay this tab forever — just like always.

Prop B Is Opposed by Missouri Right to Life, Missouri Farm Bureau and Eight others. Prop B is opposed by Missouri Right to Life, Missouri Farm Bureau, Missouri Family Network, Governor Jay Nixon, Republican gubernatorial candidate Dave Spence and many others.

Slush Fund For Greedy Political Insiders. Prop B sets up a panel of nine unelected and unaccountable bureaucrats who control hundreds of millions of tax dollars. Prop B even allows these insiders to pay their friends and pocket this tax money!

Low Taxes Are A Good Thing. Low taxes on gasoline, alcohol and tobacco encourage cross-border sales from our higher-taxed border-states which drives economic development, creates jobs and generates much needed local and state tax revenue. Increasing any tax when unemployment is high, housing prices are low and no one can afford to retire is a terrible idea.

Billions Wasted. Since 2000, Missouri has spent \$3.4 billion in tobacco settlement payments and taxes. Why trust politicians with even more tax dollars?

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Address on Religious Liberty

Excerpts from Archbishop William Lori's address to the MCC Annual Assembly

On Saturday, Oct. 6, Baltimore Archbishop William Lori delivered an Address on Religious Liberty to the Annual Assembly of the Missouri Catholic Conference (MCC). In light of the importance of the issue at the present moment, the MCC, in this Messenger, reprints excerpts from the Archbishop's talk. To view the speech in its entirety, please go to the MCC's website at www.MOcatholic.org.

Religious liberty is a gift we must never take for granted and must remain vigilant in safeguarding. We know this from our country's own history and from the history of other nations that this most precious of our freedoms can erode or even be lost. Time and again our Holy Father has spoken out courageously on behalf of victims of religious persecution, especially those in the Middle East and Africa. When a group of U.S. bishops met with the Holy Father earlier this year, the Pope delivered an important talk on religious liberty, in which he said this: "It is imperative that the entire Catholic community in the United States come to realize the grave threats to the Church's public moral witness presented by a radical secularism which finds increasing expression in the political and cultural spheres... Of particular concern are certain attempts being made to limit that most cherished of American freedoms, the freedom of religion," the Pope said.

To tell the truth, however, many people of good will, including many fellow Catholics, do not think that religious freedom is threatened in the United States. After all, our churches are open, our institutions continue to function, and on the surface it doesn't seem as though much has changed. But we are here to look beneath the surface, to see clearly the threats, to analyze them, and then to resolve to address them as individuals and as a community of faith. ...

The nation's first bishop, John Carroll, hailed from a distinguished Maryland family. His cousin, Charles Carroll, was the only Catholic signer of the Declaration of Independence. Although the Carroll's were a well-to-do and distinguished family, they were not exempt from the unjust legal restrictions which Maryland colonial law imposed on its Catholic citizens in the 18th century. Among them was a prohibition against Catholics holding public office. Nonetheless active in colonial politics, Charles Carroll recognized early on that only independence from the British crown would bring about authentic religious and civic freedom in America.

He risked his life, family, and property in supporting the revolutionary cause, but he did so, and I quote: "To obtain religious as well as civil liberty" – and he added – "God grant this religious liberty may be preserved in these states to the end of time." ...

And let's be honest: it has become possible to challenge religious freedom in this way because so many people have marginalized religious faith in their own lives. Catholics and

others who no longer practice the faith contribute to secularism. To the extent that we fail to bear witness to our faith and to engage in evangelization, we too contribute to a secularism that excludes religious faith from the public square.

One of the ways that secularists seek to marginalize faith is by embedding in law a definition of what religion is and what it is meant to do. It is an extremely narrow definition found in the HHS mandate (more on that later) but also in various state laws. It is a definition that reduces freedom of religion to freedom of worship and seeks to confine the Church's activities to the four walls of the parish church.

A church activity is deemed "religious" only if the church in question hires mainly its own, serves mainly its own, and exists almost exclusively to inculcate its own doctrine. But the moment a church seeks to serve the common good or influence public opinion then such a church and its activities are deemed "secular" and we are told that we must play by the rules –and the rules often mean violating our own teaching, not in preaching, but in practice. ...

The point is that the administration is drawing lines where we, the sponsors of religious works don't draw lines ourselves. The government's attempt to tell the church which of our institutions seem religious to the state is profoundly offensive and entangles the government in the internal life of religious institutions. Unless we stop it now, this attempt to narrow the role of religion in our culture will spread like a virus through our nation's laws and policies. If this attempt by the government goes unchecked, the future will look like this: either we stay in the pews or else violate our consciences...not a good menu from which to choose. ...

What is true in the State of Maryland is true here in Missouri— that the Catholic Church is the largest provider of social and charitable services to the poorest of the poor. We are the largest private educator and we struggle largely at our own expense to educate some of the most disadvantaged children ... often lifting them up out of poverty and transforming their lives. We want to continue doing this but in fidelity to the faith that inspired us to undertake these services in the first place. *This is the kind of country the United States was meant to be.*

We also believe that private employers who want to follow their consciences should be allowed to do so – and until now they were. This includes an air conditioning company in Colorado run by a Catholic family that recently won injunctive relief from a Federal judge from having to conform to the HHS mandate. It includes organizations that are not Church owned but serve the Church's mission, such as Our Sunday Visitor and the Knights of Columbus. Churches are responsible employers; so are conscientious employers such as those I've mentioned. They provide good jobs and good benefits – they are not part of the problem but rather they are part of the solution! ...

Please visit www.MOcatholic.org to see the entire address.



Photo by: Jay Nies/Catholic Missourian

Should Missouri Change How Judges are Selected?

The Missouri Catholic Conference (MCC) has no position on Amendment 3 - the proposed change to the current selection of supreme court and court of appeals judges - but provides the articles below for informational purposes.

By Stanley Cox

YES



For years Missourians have asked for changes to the so-called “Missouri Plan” to break the monopoly that trial attorneys and special interest groups have on the selection of judges. This November, they were to finally have their say with Amendment 3. But with change coming, the special interests used their liberal puppet Secretary of State Robin Carnahan to disfigure the ballot language for Amendment 3, ensuring voters would be deceived by its biased and misleading wording.

For voters who wish to learn the truth about Amendment 3, they must look beyond the mangled language presented on their ballot by Carnahan. Amendment 3 contains several modest changes to increase citizen accountability over judicial selection. The reform will allow voters to exercise more accountability over the process, increase citizen representation and reduce the influence of legal industry special interests.

Trial lawyers who crown judges in the backrooms of lawyer clubs dominate our state’s judicial selection system. The current system creates a back-scratching process whereby lawyers who pick the judges find themselves with interests before those same judges. We recently saw the result of this system when the Missouri Supreme Court invalidated the state’s cap on non-economic damages. Who benefited? Trial lawyers.

Missouri is getting the kind of judges one expects under such a system. According to the U.S. Chamber’s most recent rankings of state legal climates Missouri’s judges ranked 36th for impartiality and 41st for competence. Legal climate is a key factor businesses consider when deciding whether to stay, expand or relocate here. Incompetence and partiality do not inspire confidence.

Supporters of the so-called “Missouri Plan” assert it is a “non-partisan” plan. In reality the plan is so partisan and political that it is an embarrassment for such a plan to bear our great state’s name.

The modest changes to the “Missouri Plan” include these reforms:

- Create an additional gubernatorial appointee to the Appellate Judicial Commission, bringing the total to four members of seven. This will allow the people to exercise more accountability through our elected governor.

- Require the Commission that picks the panel of judges from which governors select to nominate four people to each panel, an increase of one over the current three. This will ensure that panels will be harder to package in a way that would favor one particular nominee.

- Replace a sitting Supreme Court judge on the selection commission with a retired judge to choose their colleagues in a non-voting advisory role. This would ensure Supreme Court judges are not beholden to those who help pick them. Right now,

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By William Ray Price, Jr

NO



In 1940, the people of Missouri adopted “The Missouri Plan” to take judicial selection out of the control of corrupt politicians. Now, 70 years later, big money contributors and special interests are trying to recapture Missouri courts by changing the way judges are selected.

Proposed Amendment 3 to the Missouri Constitution is a bad idea that should be defeated.

Prior to 1940 Missouri selected all of its judges in partisan elections. Political bosses controlled the process and controlled the courts. The leader of this effort was the infamous Tom Pendergast from Kansas City. In 1937, men and women from across Missouri came together to restore justice to our courts. They created the Missouri Nonpartisan Court Plan, enacted by a vote of the people in 1940, to remove the courts from the control of partisan political bosses.

The plan established a seven member commission that selects a panel of the three best candidates for any appellate vacancy. The governor appoints the new judge from that panel. The commission is made up of three lawyers, elected by lawyers; three citizens, appointed by the governor; and the Chief Justice of the Missouri Supreme Court. After the governor appoints the new judge, the judge must stand for a retention election before the voters of Missouri.

The plan provides multiple levels of checks and balances: the lawyers; the non-lawyers; the governor; and ultimately the people, in order to get the best and the fairest judges.

Sadly, that is exactly what the big contributors and special interests don’t want. They are used to making big contributions, to influence politicians, to get their way. They want to do that with judges too! The evidence is clear and shocking.

Judicial campaign contributions surged from \$83.3 million in the period from 1990-1999, to \$206.9 million from 2000-2009. Even more shocking, most of this money comes from a very few big spenders. A study of 29 elections in the nation’s 10 most costly states showed that the top five spenders in each race contributed an average of \$473,000, while the remaining 116,000 contributors averaged just \$850 each.

A Harris Poll released in 2010 found that over 70 percent of Americans, both democrats and republicans believed that campaign contributions have a significant impact on courtroom decisions. Big money in judicial selection is a scandal!

Now those big contributors want to buy the Missouri courts. They want to change the Missouri Plan to eliminate the checks and balances and to give total control to the governor, so they can focus their contributions on one political office to influence who can become a judge.

In every day words, they want “one stop shopping.”

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YES

Missouri cut teachers, resulting in 2,500 fewer teachers and Missouri is currently \$336 million below statutorily required levels for school funding. The legislature has had to raid school budgets to cover the state's increased cost to Medicaid for years and Proposition B can help address the problem. The school funding problem in Missouri certainly deserves a long-term and broad based solution; in the absence of that solution, Proposition B is a good first step for Missouri schools.

There's one thing we can agree on with our opposition, Enough IS Enough. Tobacco use causes one out of five deaths in Missouri.

Missouri has the 11th highest smoking rate in the nation. Missouri has the 8th highest deaths of lung cancer in the nation. Tobacco kills 10,000 Missourians, or one every 50 minutes.

This November, vote **YES** for Proposition B and Missouri's schools and no on cheap cigarettes and subsidizing tobacco companies.

Misty Snodgrass is the legislative/government affairs director for the American Cancer Society.



NO

Are You Next? If you let the tax and spend fanatics put an outrageous 760 percent tax increase on smokers, then don't be surprised when they tax something you do care about – guns, big sodas, gasoline, fast food or alcohol. At least now you can't say you weren't warned.

Kitchen Table Moment. You know when you're home watching the news or reading the newspaper and you think, "Government is bigger and more out-of-control than ever" and "Politicians are only concerned about getting elected and not about solving problems"? Well, this is your chance to do something about it.

All Missourians, smokers and non-smokers alike, can agree that while education deserves to be adequately funded and tobacco deserves to be fairly taxed, Prop B's outrageous and unfair 760 percent tax increase is simply too big and too dangerous.

Enough is enough. Please "Vote **NO** on Prop B!"
Ronald J. Leone is the executive director of the Missouri Petroleum Marketers and Convenience Store Association.

Should Missouri Change How Judges are Selected?

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YES

Missouri is one of only seven states that allow a sitting judge to serve in a voting capacity on the judicial selection commission.

- Shorten the terms of gubernatorial appointees to the Appellate Judicial Commission to four years and re-stagger the terms. Under this plan, governors would get to appoint two commissioners during their first year in office and two more in the third year of their term.

These reforms to the "Missouri Plan" would be a good step forward. By increasing citizen accountability and reducing the influence of special interests, Amendment 3 would help improve the judicial selection process and ensure our courts serve all Missourians, not just the litigation industry.

While we are encouraging Missourians to vote for Amendment 3, in response to the deliberately deceptive and biased ballot language written by Carnahan, supporters of Amendment 3 have said they have no desire to dedicate the significant resources it would take to both support the amendment and warn voters of Robin Carnahan's deceptive ballot wording.

I agree with *National Review's* Carrie Severino who wrote that she expects little enthusiasm for an amendment so distorted by Carnahan. The decision to save time and resources was wise. Those resources ought to be preserved for meaningful judicial reform including the consideration of the overwhelmingly popular option of judicial elections, which would give every Missourian the ability to directly elect every Missouri judge.

Missourians deserve judicial reform. The trial lawyers and special interests that oppose even modest reforms in Amendment 3 should be on notice: Change is coming.

State Representative Stanley Cox, a republican, represents the 118th District in the Missouri House. He was the chief House sponsor of the constitutional amendment to reform how judges are selected.

NO

Missouri needs judges who will keep a level playing field in our courts, for all of us. Lawsuits need to be determined on the basis of facts and law, not because of who made the biggest contribution to the governor. We must protect the fairness and impartiality of our judges.

William Ray Price, Jr. is a former Missouri Supreme Court Chief Justice and is the Honorary Co-Chair, Missourians for Fair and Impartial Courts Committee.

